

The 21st November, 1978

No. 11(112)-3-Lab-78/10003.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Oswal Steels Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 210 of 1977

between

SHRI NANKOO RAM, WORKMAN AND THE MANAGEMENT OF M/S. OSWAL
STEELS, FARIDABAD

Present.—

Shri Jawahar Lal, for Shri Subhash Birla, for the workman.

Shri H. R. Dua, for the management.

AWARD

By order No. ID/FD/453-77/49072, dated 22nd November, 1977, the Governor of Haryana, referred the following dispute between the management of M/s Oswal Steels, Faridabad and its workman Shri Nankoo Ram to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether termination of services of Shri Nankoo Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The parties were at issue and the same was framed as issue No. 1, on 20th April, 1978.

(1) What is the effect of resuming duty by the workman concerned ?

The case was fixed for the evidence of the parties and for arguments. Both the parties stated that the workman had resumed his duty and the management has treated him with continuity of service. The management had reinstated the workman with continuity of service. There remained a dispute regarding back wages. The management stated that the workman had agreed to give up his claim for back wages when the management reinstated him with continuity of service but the workman stated that he had not agreed to give up back wages. Both parties agreed that the claim of the workman regarding back wages shall be decided in his application under section 33 (c) (2) of the I. D. Act if and when such application is made by the workman.

I, therefore, give my award that the workman had been reinstated by the management with continuity of service. As regards back wages, the workman may make his application for that under section 33(c)(2) of the I. D. Act for the period after termination of service and till the time of reinstatement.

NATHU RAM SHARMA,

Dated 6th November, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1102, dated 7th November, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.